

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STEVEN KENARD BINES,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:11CV949
	)	1:10CR234-1
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

On September 5, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections to the Recommendation have been filed. Therefore, the court need not make a *de novo* review, and the Magistrate Judge's Recommendation (Doc. 67) is hereby ADOPTED.

IT IS THEREFORE ORDERED that Petitioner's Motions to Vacate, Set Aside, or Correct Sentence (Docs. 25, 31) are GRANTED, as set out in the Recommendation, as to Petitioner's claim under the Fair Sentencing Act and, as such, the Judgment (Doc. 17) is VACATED. The Clerk is directed to set this matter for resentencing. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

/s/ Thomas D. Schroeder  
United States District Judge

October 2, 2013